

ID article #; change section numbers; remove references to ordinance numbers at end of text

ARTICLE xxxxx MARYLAND GATEWAY OVERLAY ZONING DISTRICT (MD)

SECTION xxxx: PURPOSE STATEMENT

A. The Maryland Gateway Overlay Zoning District (hereinafter known in this Article as the MD Overlay District) applies to properties along the north and south sides of the Maryland Avenue corridor from the western City limits to just beyond the intersection of Brentwood Boulevard , which are identified in the 2010 Master Plan Update and Retail Strategy. The area encompassed in the Maryland Gateway Overlay Zoning District is considered a gateway to downtown which gives the opportunity for creating a memorable and representative entry to the core of the city and is adjacent to the heart of commercial and service activities in the City of Clayton. The Maryland Gateway district is intended to maintain a walkable, pedestrian scale, human- focused corridor with changes to the streetscape to reflect the urban character of downtown. Much of this can be built upon the already-strong presence of small retail establishments on the north side of the street, which help define the street edge and serve as a transition to adjacent residential areas. The purpose is to create a lower density mixed use district that provides an iconic gateway into downtown Clayton while respecting the northern residential neighborhood and the civic uses to the south. In order to maintain this area as "pedestrian friendly," structures must be human in scale. Building mass, density and frontage variations should create a visually attractive and inviting streetscape within the urban context.

B. The purpose of these regulations is to foster appropriate use of existing structures and enable compatible redevelopment, which serves the following goals:

1. Support and enhance existing retail development along Maryland Avenue and promote structures that have sidewalk frontage suitable for smaller retail and service activities;
2. Stimulate designs that minimize scale and mass as perceived from the sidewalk;
3. Orient front doors and align buildings to address Maryland Avenue.
4. Careful stepping of building height and regulation of uses to ensure that adjacencies are appropriate and not overly abrupt.
5. Encourage mixed use development, with ground level commercial retail and upper level residential uses.
6. Encourage a built environment that is friendly to the presence of people living, shopping, visiting, enjoying or spending time in the area.

SECTION XXX: LOCATION OF OVERLAY ZONE

The MD Overlay Zoning District generally includes those parcels fronting Maryland Avenue from the western City limit, east up to an including property currently addressed as 8025 Maryland Avenue.

SECTION XXX: SIGNIFICANCE OF DESIGNATION

The regulations of the overlay district shall supersede or supplement, as applicable, the regulations of the base zoning district. Where a conflict exists between the regulations of the overlay districts and the provisions of the base zoning district, the provisions of the overlay district shall control.

SECTION XXX: USES PERMITTED

The uses allowed are the same as in the base zoning district.

In addition, the following uses will be permitted and use restrictions shall be adhered to as follows:

- (1) For properties on the north side of Maryland Avenue, all ground floor uses shall be small scale, retail, but may include, beauty salons and similar personal care services, dry cleaning facilities, food and beverage service uses, financial institutions (including banks, savings and loans and credit unions), real estate offices, travel agencies or governmental offices.
- (2) For properties on the south side of Maryland Avenue, ground floor uses may be retail and office, however, development or redevelopment of any site must incorporate pedestrian scale buildings at the street level, interconnectivity to the public sidewalk system and the development of pedestrian gathering spaces.
- (3) Residential dwellings as part of a mixed use development located on the second floor or higher.
- (4) Drive through facilities for financial institutions subject to Conditional Use Permit approval.
- (5) Financial institutions which incorporate drive through facilities shall be subject to the Site Plan review process pursuant to the procedures and standards outlined in Chapter 405, Section XXX of this Article and in accordance with the Design Guidelines and Standards for Drive through facilities.

SECTION XXX: PLANNED UNIT DEVELOPMENT

A. A development proposal shall be eligible for consideration under the planned unit development option per the provisions of Chapter 405 if the development incorporates ground floor retail or a ground floor public restaurant and one (1) of the following four (4) categories of use:

1. Office use;
2. Residential use;
3. Public parking (as defined in Article III. Definitions, Section 405.390);
4. Hotel use

B. Limitation. No change, alteration, modification or waiver authorized by a "PUD" shall authorize a change in the uses permitted in any district or a modification with respect to any zoning district standard made specifically applicable to planned unit developments, unless such district regulations expressly authorize such a change, alteration, modification or waiver.

SECTION XXX: MAXIMUM BUILDING HEIGHT

A. The maximum building height in the MD Overlay District is three (3) stories, not to exceed thirty five (35) feet for properties north of Maryland Avenue, and seven (7) stories or ninety (90) feet, whichever is less, for properties south of Maryland Avenue. The maximum building height for properties south of Maryland Avenue may be modified subject to the provisions and requirements of the planned unit development process outlined in Chapter 405.

B. For buildings permitted to exceed the maximum height through the planned unit development process, a fifteen (15) foot stepback (upper story building setback) shall be provided beginning at the third (3rd) story level or thirty (30) feet above grade, whichever is less. However, the Plan Commission shall have the authority to require a different stepback(s) for buildings dependent upon building height, lot size, nearby land uses and structures, and other relevant factors. Stepbacks shall be proportional to the amount of building height. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

SECTION XXX: MAXIMUM FLOOR AREA

The maximum floor area ratio (FAR) is 3.0. The maximum floor areas may be modified subject to the provisions and requirements of the planned unit development process outlined in Chapter 405.

SECTION XXX: SETBACK/STEPBACK REQUIREMENTS

The following are setback/stepback requirements in the Maryland Gateway Overlay Zoning District:

1. Front yard. There is no minimum front yard setback requirement in the Maryland Gateway Overlay District. Building up to the front property line is encouraged. The following modifications are permitted/required under the following conditions:

2. Rear yard. The required rear yard setback in the Maryland Gateway Overlay District is a minimum of fifteen (15) feet. Modifications to the required rear yard setback are permitted/required under the following conditions:

a. Where a corner lot exists, the property line opposite to the front yard line with the greater street frontage shall be considered the side yard and the property line opposite to the front yard line with the lesser street frontage shall be considered the rear yard.

b. An accessory building not exceeding twenty (20) feet in height may occupy up to thirty percent (30%) of the area of a required rear yard. Accessory buildings may be attached to the principal building or shall maintain a ten (10) foot separation from the principal building. In all cases, no

accessory building shall be closer than five (5) feet to any rear property line or to any property line that abuts a residential zoning district, nor shall they be located along any street frontage.

3. Side yard setbacks.

a. There are no side yard setbacks requirements in the Maryland Gateway District except where a lot abuts a residential district, a side yard of at least five (5) feet shall be provided. Buildings are encouraged to be developed along the entire street frontage utilizing a zero side yard setback. Stand alone buildings incorporating street front parking lots are to be avoided.

SECTION XXX: OFF-STREET PARKING AND LOADING REQUIREMENTS

Every principal commercial structure must provide off-street parking in accordance with Chapter 405.

SECTION XXX: SITE PLAN REVIEW AND DESIGN GUIDELINES

A. Site Plan Review. Site plan review, pursuant to the procedures and standards outlined in Chapter 405, is required for any development or redevelopment proposal over ten thousand (10,000) square feet in gross floor area and for Financial Institutions that are proposed to be developed with drive through facilities.

B. Site Plan Review Design Guidelines.

1. The following guidelines shall be applied by the City's Plan Commission/Architectural Review Board for development proposals located in the Maryland Gateway Overlay Zoning District:

a. Footprint geometry should be square and true with the roadway to the extent possible. Odd shapes and building orientations which compete with the total urban setting should be avoided.

b. Parking should be located within the City block interior and deeper into parcels.

c. Surface parking, drive aisles or vehicular access ways should not abut any sidewalk.

d. Buildings and uses must incorporate expansive street front windows and shall be sited in a manner so as to achieve a pedestrian friendly scale, appearance and feel.

e. Drive through facilities for financial institutions shall be reviewed for compliance with the Design Guidelines and Standards for Drive through Facilities.

2. For projects located on the south side of Maryland Avenue, an on-site sidewalk system shall be constructed along a project's internal drives (both public and private) and shall connect to the public sidewalk system on Maryland Avenue and abutting streets. For these purposes, parking lot drive aisles are not to be considered drives or streets. Sidewalks shall also be constructed to lead to pedestrian crossings at off-site full access median openings, trail crossings, and pedestrian signal crossings on abutting streets.

3. In applying these guidelines, the Plan Commission shall have the discretion to consider alternatives and modifications if their strict application will result in unusual practical difficulties or particular hardship or if the Plan Commission determines that such alternatives or modifications to these guidelines will improve the attractiveness or usefulness of the district as a whole and serve the best interests of the City.

SECTION XXX: ARCHITECTURAL REVIEW BOARD GUIDELINES

The guidelines of the Architectural Review Board are as follows:

1. Buildings should occupy the property frontage from property line to property line to ensure a continuous building facade.
2. Building skylines should provide interest through introduction of compatible shapes and roof forms. Long uninterrupted cornices should be avoided.
3. Facade relief should be incorporated into all building elevations. Long uninterrupted elevations should be avoided.
4. Window openings should be incorporated into all building elevations. Blank walls, long horizontal openings, odd shapes and glass walls should be avoided.
5. Street level (ground floor) elevation facing the street should be storefront architecture with large show windows interrupted at regular intervals with building piers and generous entrances. Blank walls, long uninterrupted show windows, odd shaped and small show windows should be avoided.
6. Parking structures visible from the street should be avoided. Parking structures should be of design material and color compatible with the urban setting.
7. Building renovations and improvements should incorporate green space, pedestrian connections, pedestrian gathering spaces, street furniture and other elements of active pedestrian areas.
8. Building design should integrate components that offer protection to pedestrians, such as overhangs, awnings and canopies, as a means to encourage pedestrian activity along the street.
9. Building design should maintain and strength and the architectural character of the city's nearby residential neighborhoods.